



Senate Industry, Business and Labor Committee

IN OPPOSITION- HB 1175

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Chair Klein and Members of the Senate Industry, Business and Labor Committee, I am Josh Askvig, State Director at AARP North Dakota.

AARP North Dakota, on behalf of our 84,000 members and all older North Dakotans, we are sharing our strong opposition to HB 1175 to grant immunity related to COVID-19 for healthcare facilities and nursing homes, assisted living facilities, and other long-term care (LTC) facilities.

AARP has long fought for the rights of residents in nursing homes and other residential care facilities and to ensure their health, safety, quality of care, and quality of life. This includes the right of residents and their families to seek legal redress through the courts to hold facilities accountable when residents are harmed, neglected, or abused. Nursing homes and other LTC facilities play an important role in America's long-term services and supports (LTSS) system.

There are approximately 5,000 North Dakota residents in LTC facilities. During this time of pandemic, nursing homes and other residential care facilities face unprecedented challenges, and tragically, over 835 deaths have occurred in long-term care facilities in North Dakota, or about 60% of the total deaths in the state due to COVID-19. While there may be some circumstances beyond facilities' control for which they should not be held responsible, it is essential that long-term care providers, as well as health care providers more broadly, remain responsible for any negligent actions to ensure long-term care residents have some protection and opportunity for redress.

Over the course of the pandemic, most inspections of nursing homes have been suspended, family in-person visits are effectively prohibited except in limited circumstances, and in-person long-term care Ombudsman visits are similarly restricted, there are fewer eyes observing what is happening in facilities. Residents of nursing homes and other LTC facilities may be unable to advocate for themselves and now have limited access to people who can advocate on their behalf. This lack of oversight is alarming, and requires us to ensure that, when all else fails, residents and their families will still have access to the courts to seek redress. Pursuing a

nursing home neglect or abuse case in court is not easy to do. In North Dakota, there are already many significant barriers to accessing the courts including being unaware of their rights, access to legal services, physical barriers such as lack of transportation and living on a fixed income. No family member who has lost a loved one due to neglect or abuse pursues this course of action lightly. It is always an option of last resort, but it must remain an option. North Dakota should not strip away the rights and protections of residents. Nursing homes and other LTC facilities should know they will continue to be held responsible for providing the level of quality care that is required of them, and for which they are being compensated. This also incentivizes facilities to self-correct by addressing problems to improve care.

AARP North Dakota appreciates your consideration of these views and urges you to reject HB 1175. Families all across North Dakota are looking to you to protect the health and safety of their loved ones living in nursing homes and other residential care facilities.

Thank you.